



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

In reply, please refer
to:

10036EMK.12

October 31, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 1680 0000 7275 3647

Mr. Joseph Whelan
General Manager/Vice President
Waste Management of Hawaii
92-460 Farrington Highway
Kapolei, Hawaii 96707

Dear Mr. Whelan:

**Subject: National Pollutant Discharge Elimination System (NPDES)
Notice of General Permit Coverage (NGPC), File No. HI R50A533
Revised Storm Water Pollution Control Plan
Waimanalo Gulch Sanitary Landfill (WGSL)
Kapolei, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), received the Waste Management of Hawaii, Inc. (WMH), Storm Water Pollution Control Plan (SWPCP), Waimanalo Gulch Sanitary Landfill, Kapolei, Oah'u, Hawai'i document dated August 2012. The DOH-CWB has reviewed the document and has significant comments regarding the SWPCP. As required in the issued NGPC, you must properly address all related concerns and/or comments to the CWB's satisfaction. Failure to do so constitutes a violation of Hawaii water pollution rules and may elicit formal enforcement actions against you, WMH and/or the City and County of Honolulu, Department of Environmental Services.

Some of the DOH-CWB comments regarding the submitted SWPCP dated August 2012, are general and some are specific in nature. DOH-CWB has arranged its comments as such.

General Comments:

- 1) The SWPCP does not adequately identify the specific potential pollutants associated with the WGSL.
- 2) The SWPCP does not identify specific Best Management Practices (BMPs) to address specific potential pollutants associated with the WGSL.

- 3) The SWPCP does not clearly identify allowable discharges authorized by the issued NGPC, File No. HI R50A533.
- 4) The SWPCP does not define prohibited discharges from the WGS�.
- 5) The SWPCP does not clearly identify storm water flow throughout the WGS�.
- 6) The SWPCP does not:
 - a. Identify and detail the locations of drainage structures;
 - b. Outline each drainage area;
 - c. Define paved areas and buildings and other ground cover within each drainage area;
 - d. Identify and detail BMPs for each past or present area for outdoor storage, industrial activities, or disposal of materials;
 - e. Identify and detail BMPs addressing each past or present area of a significant spill;
 - f. Identify structural measures for the control of storm water;
 - g. Identify material loading and access areas;
 - h. Identify areas where pesticides, herbicides, soil conditioners and fertilizers are applied, nearest receiving waters.
- 7) The SWPCP does not identify where each specific BMP named will be implemented and a schedule of maintenance and inspection for each BMP.
- 8) The SWPCP does not provide any details on erosion control BMPs.
- 9) The SWPCP uses vague and ambiguous language. The lack of definitive language does not provide clear requirements and duties for WMH staff and renders whole sections of the SWPCP non-implementable.
- 10) The Storm Water Monitoring and Reporting Program Plan included as Appendix B does not incorporate the provisions of the Interim/Supplemental Storm Water Monitoring Plan pursuant to EPA Order CWA-309(A)-12-003. A final Storm Water Monitoring and Reporting Program Plan must be provided for DOH review and comment which at a minimum includes the provisions found in the Interim/Supplemental Storm Water Monitoring and Reporting Plan pursuant to EPA Order CWA-309(A)-12-003.

- 11) The number of days and quality of discharge from the WGSL storm water drainage system must be reported. The permittee is required to report any discharge which does not meet the basic water quality criteria set forth in Hawaii Administrative Rule 11-54. The SWPCP must detail how all discharges from WGSL which do not comply with the NGPC will be documented and reported.

Specific Comments

- 1) Executive Summary-Paragraph 3 does not list other SWPCP requirements such as:
 - a. Reporting requirements
 - b. Definitions for allowable discharges
 - c. Definitions and descriptions of specific BMP implementation
- 2) Executive Summary –Paragraph 4 does not clearly define that storm water will be controlled via implementation of specific BMPs and isolation from prohibited discharges.
- 3) Executive Summary- Paragraph 7 must state that unauthorized discharges will be eliminated and prohibited, not “evaluated.”
- 4) Executive Summary- Paragraph 9 uses vague language such as “as often as needed” and, “the need for additional pollution control measures will be assessed.” The lack of definitive metrics for evaluations and decision-making renders the statement irrelevant. The SWPCP is a management document used to implement BMPs and guide decision-making to insure compliance with the issued NPDES permit. All statements in a SWPCP must be clear, factual and implementable.
- 5) Section 1.0- Paragraph 2: Copies of Hawaii Administrative Rule (HAR) 11-55 Appendix A and HAR 11-55 Appendix B must be added to the document.
- 6) Section 1.1- Paragraph 2, Bullet Point 2. The purpose of the SWPCP is not to “identify appropriate” BMPs but to identify all potential storm water pollution sources, define implementation of BMPs to prevent discharges from WGSL in violation of State of Hawaii law, to insure compliance with the issued NGPC.
- 7) Section 1.1-Paragraph 3, Bullet Point 1 must include reference to issued NGPC, File No. HI R50A533 and HAR 11-55 Appendices A and B.

- 8) Section 1.1-Paragraph 3, Bullet Point 2 uses vague and ambiguous language in stating that the purpose of the SWMRPP is to, "Evaluate materials management... 'as needed, to meet changing conditions.'" The purpose of effluent sampling is for WGSL to demonstrate compliance or non-compliance with the issued NPDES permit and associated NGPC effluent limits.
- 9) Section 1.2- Paragraph 2 must clearly define what are allowable discharges. This section must demonstrate that WMH clearly understands what discharges are authorized by the issued NGPC.
- 10) Section 1.2- Paragraph 3 must include the HAR 11-54-4 language and not by reference. This document must be a stand-alone document and not a recitation of references.
- 11) Section 1.2- Must add a clear list of prohibited discharges.
- 12) Section 1.2- Paragraph 4 must add language stating that all changes/revisions of the SWPCP will be sent to the DOH-CWB for comment and authorization as soon as such changes arise.
- 13) Section 2.3.3- "Other" section of types and quantities of solid waste must be specifically defined and not accounted for by reference of the solid waste permit.
- 14) Section 2.5- Vague and ambiguous language such as "substantially completed" and "approved expansion area" without clarification of clear referencing to physical features on Figures 2-4A to 2-4C must be clarified and detailed.
- 15) Section 2.6-Paragraph 2 needs clear diagraming within the attached Figures 2-4A to 2-4C. "Active landfill" must be defined and clearly delineated on the attached "Figures 2-4A to 2-4C.
- 16) Section 2.6- Paragraph 6 references a separate Surface Water Management Plan. The SWPCP must be a stand-alone document that does not reference secondary documents. If there is pertinent information in other documents, directly include that information in the SWPCP.
- 17) Section 2.6.1- Paragraph 1 is inaccurate and fails to describe the sampling locations and discharge points.
- 18) Section 2.6.1- Paragraph 2 is misleading and does not define how samples from these locations will be representative of the discharges from the WGSL.
- 19) Section 2.6.1- Paragraph 4 is ambiguous and provides no context. It is unclear what Paragraph 4 is describing.

- 20) Section 2.6.2- Paragraph 1 has ambiguous language such as “should prevent discharge of pollutants to U.S. waters..” Language used must be definitive and implementable.
- 21) Section 2.6.2- Paragraph 2 references another document. SWPCP must not reference other documents.
- 22) Figures 2-3 to 2-4C does not: indicate where construction is actively occurring, indicate where there is machinery and laydown, indicate where there are slopes, indicate where there drainage swales, indicate where there is intermediate cover, indicate where there is final cover, indicate where final grade is achieved, indicate where erosion control BMPs are implemented, indicated where sediment control BMPs are located, indicate any treatment BMPs, indicate where the roads are, indicate where the active cell fill is occurring, indicate where the open faces are, indicate any structural storm water controls, indicate discharge point, indicate western diversion system, indicate where swales are located, indicate specific BMP implementation, indicate historical spill location and fails to indicate any/all storm drainage system inlets and discharge points All figures must be fully detailed, descriptive and demonstrate physical features as well as BMP implementation.
- 23) Section 3.0- Overall the section does not clearly define what discharges are allowable and what discharges are prohibited. There is no definition for “non-storm water discharges” appropriate for use in the SWPCP. The issued NGPC does not authorize all discharges resulting from precipitation as implied nor does it authorize discharges of wastewater or contaminated storm water from WGSL. This section should detail potential prohibited discharges and explicitly detail BMPs to be implemented to eliminate all prohibited discharges.
- 24) Section 3.1- Paragraph 1, see above comment. This section needs to be completely re-written for accuracy. This section needs to specifically address discharges and potential for prohibited discharges associated with WGSL.
- 25) Section 3.2- Language in this section appears to be a carryover from a Municipal Separate Storm Sewer System (MS4) plan. This section does not appear highly relevant to WGSL unless there are cross connections within the WGSL sump plumbing system.
- 26) Section 3.2.1- Paragraph 1 uses ambiguous language such as “as appropriate” and does not identify where any of the BMP strategies will be applied. The section is not site specific and is vague in its implementation language.
- 27) Section 3.3- This section again does not appear appropriate for WGSL. This section prescribes visual observations of the storm water conveyance system annually but fails to define when specifically (dry weather) inspection must occur.

Language in this section includes statements of "should" which do not provide clear implementable actions for WGSL staff.

- 28) Section 3.3.2- Paragraph 1 uses vague language such as, "to the extent possible." Vague and ambiguous language makes the SWPCP ambiguous and the SWPCP un-implementable.
- 29) Section 3.3.2.2- Non-stormwater/prohibited discharges should be immediately eliminated, not just sampled.
- 30) Section 3.3.3- See comment 29.
- 31) Section 4.0- Paragraph 1 states that "The storm water BMPs will be evaluated for effectiveness," but fails to define what effective means. Paragraph 1 uses vague and ambiguous language and makes no definitive statements. Paragraph 1 fails to state that erosion control BMPs will be used to address sediment discharges which is one of the major storm water pollutants associated with WGSL.
- 32) Section 4.1- Paragraph 1 needs to define "reasonable potential to contribute pollutants..." and state how often site inspections will be conducted. A SPCC plan is referenced but specific BMPs addressing the potential pollutants considered in the SPCC plan is not incorporated into the SWPCP. This comment is consistent with the multiple comments above regarding referencing secondary documents as part of the SWPCP.
- 33) Section 4.1.1- This section fails to detail erosion control BMPs which are will be required anywhere there is intermediate cover of areas untouched for more than 14 days. There are no details regarding the berms and grading in the "working face" areas of the landfill which are designed to prevent discharges of contaminated storm water. This section fails to define any storm water which contacts solid waste as being prohibited to discharge.
- 34) Section 4.1.1- Paragraph 2 does not clearly define BMPs used to address potential storm water contamination by incinerator ash. Do ash areas require different BMPs to prevent storm water contamination?
- 35) Section 4.1.2- Needs to define specific BMPs for ALL roads as the roads are clear storm water conveyances which can contribute significant pollutant loads and cause erosion of cover materials.
- 36) Section 4.1.3- This section references documents outside of the SWPCP and fails to clearly prohibit leach and condensate discharges. No specific BMPs are specified for the activities details.

- 37) Section 4.1.4- This section references the SPCC plan which is not part of the SWPCP.
- 38) Table 4-1- This table must include locations where activities are conducted, specific pollutants associated with each activity, specific BMPs implemented for each activity, location of each BMP, whether discharges from each activity are authorized or not, who is responsible for each activity and maintenance frequencies for each BMP. Table 4-1 is grossly under-detailed and fails to indicate any type of implementation.
- 39) Section 4.2.1- Erosion control BMP implementation is not detailed. There is not direct relevance of this section without clear definition of where erosion control is implemented.
- 40) Section 4.2.3- This section does not include any descriptions of previous sampling history, history of unauthorized discharges, areas where cover material has failed and storm water has contacted solid waste. This section fails to identify historical areas which may be contaminated and or areas where there have been repeated problems which necessitated corrective action.
- 41) Section 4.2.4- This section appears redundant when compared to early sections and does not appear applicable to WGSL. Inspections should be conducted more often than annually to address the potential for prohibited discharges.
- 42) Section 4.3.1- Paragraph 1, Bullet Point 1 indicates that erosion and flagging are part of housekeeping. Erosion and flagging are not housekeeping items and must be addressed in the erosion section.
- 43) Section 4.3.1- Paragraph 1, Bullet Points 2 and 3 use "properly stored" to describe a BMP. "Properly stored" is not defined and is vague and ambiguous.
- 44) Section 4.3.2- This section needs to provide the details of the "preventative maintenance program."
- 45) Section 4.3.3.1- Landfill cover will require either grassing or geotextile cover for any area undisturbed for longer than 14 days.
- 46) Section 4.3.3.1- Must define "routinely" and set inspection dates and frequencies. Must define what "maintenance" is as well as "as needed."
- 47) Section 4.3.3.3- Must define "inspection routinely" and specify BMPs implemented as well as BMP location and maintenance.
- 48) Section 4.3.4- Must provide specific details regarding expansion, what construction BMPs are implemented, drainage details and construction schedule

accompanied by specific BMP implementation. A reference to the Surface Water Management Plan cannot be made. Specifics for SWPCP purposes must be detailed and included in their entirety.

49)Section 5.2- Must define explicit changes or activities which trigger SWPCP revision.

Please submit all required revisions in a draft SWPCP for DOH-CWB review within 20 calendar days of this notice. Please include a comprehensive table documenting the specific changes made to address the above comments and where those changes can be found within the SWPCP. If you choose to change/revise any part of the SWPCP dated August 2012 not explicitly commented on above, please include a summary of all changes in the letter accompanying the revised SWPCP. Please be aware that the DOH-CWB is NOT authorizing the implementation of the SWPCP dated August 2012 until all DOH-CWB comments are satisfactorily addressed in a finalized SWPCP. Failure to comply with the issued NGPC, including not meeting all the requirements to comply and address all comments made by the DOH-CWB on the SWPCP is a violation of Hawaii water pollution rules and may elicit formal enforcement actions against you, WMH and/or the City and County of Honolulu, Department of Environmental Services. Further, the DOH may require any person covered by a general permit to apply for and obtain an individual permit.

Submit all requested information within 20 calendar days of this notice to:

Clean Water Branch
Department of Health
919 Ala Moana Boulevard, Room 301
Honolulu, HI 96814-4920
Telephone: 808-586-4309
Fax: 808-586-4352

When submitting documentation to the DOH-CWB, you must include the following certification in all correspondence for the subject facility:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Joseph Whelan
October 31, 2012
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Should you have any questions, please contact Mr. Michael Tsuji of the Enforcement Section, Clean Water Branch, at (808) 586-4309.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alec Wong".

ALEC WONG, P.E., CHIEF
Clean Water Branch

MK:jst

c: Water Division (WTR-7), CWA Compliance Office, EPA, Region 9
Mr. Edward G. Bohlen, Deputy Attorney General, Department of the Attorney General